

Notice of Allowability

Application No.

10/814,335

Examiner

Eisa B. Elhilo

Applicant(s)

PLOS ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37. CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on September 25, 2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-34, 37-48 and 51.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 9/25/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/7/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Eisa Elhilo
Primary Examiner
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11/10/06

DETAILED ACTION

1 This action is responsive to the amendment filed on September 25, 2006.

EXAMINER'S AMENDMENT

2 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thalia V. Warnement on November 7, 2006.

The application has been amended as follows:

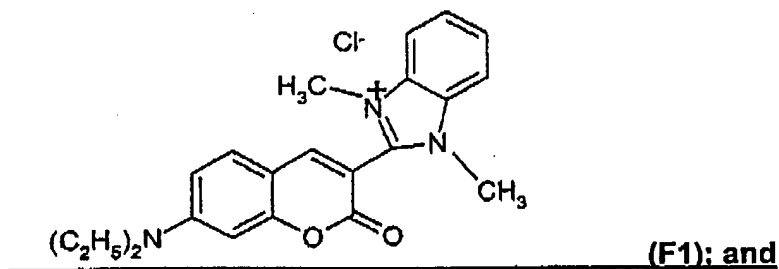
In the claims:

Please cancel claims 5-6, 35-36, 49 and 50.

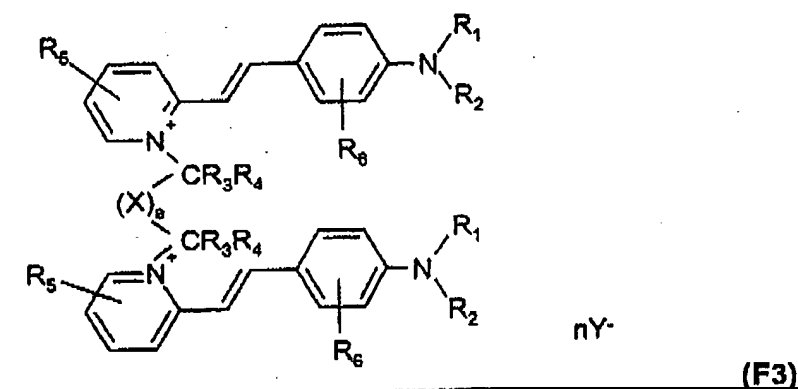
In claim 1, delete line 9 and 10.

In claim 1, after line 8, insert --

wherein the at least one fluorescent dye is chosen from:



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wherein:R₁ and R₂, which may be identical or different, are chosen from:

- hydrogen atoms;
- linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen

atoms;

- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

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X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;
- 5- and 6-membered heterocyclic radicals optionally substituted with at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;
- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms, wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;
- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

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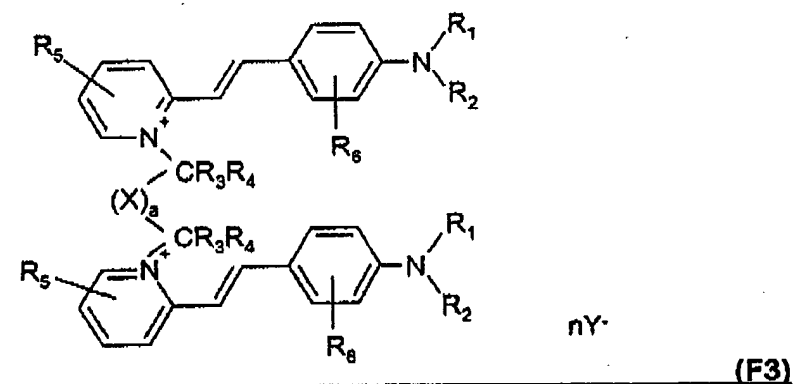
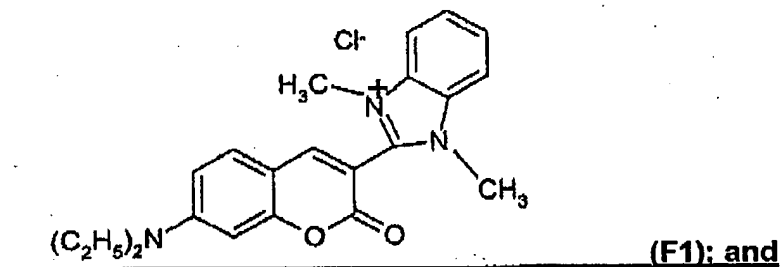
a is equal to 0 or 1;Y, which may be identical or different, is chosen from organic and mineral anions; andn is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye. --

In claim 7, in line 1, replace "6" by --1--.

In claim 8, in line 1, replace "6" by --1--.

In claim 32, delete, lines 6 and 7.

In claim 32, after line 5, insert --

wherein the at least one fluorescent dye is chosen from:wherein:R₁ and R₂, which may be identical or different, are chosen from:

- hydrogen atoms;

- linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;

- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;
- 5- and 6-membered heterocyclic radicals optionally substituted with

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at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;

- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms, wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;
- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

a is equal to 0 or 1;

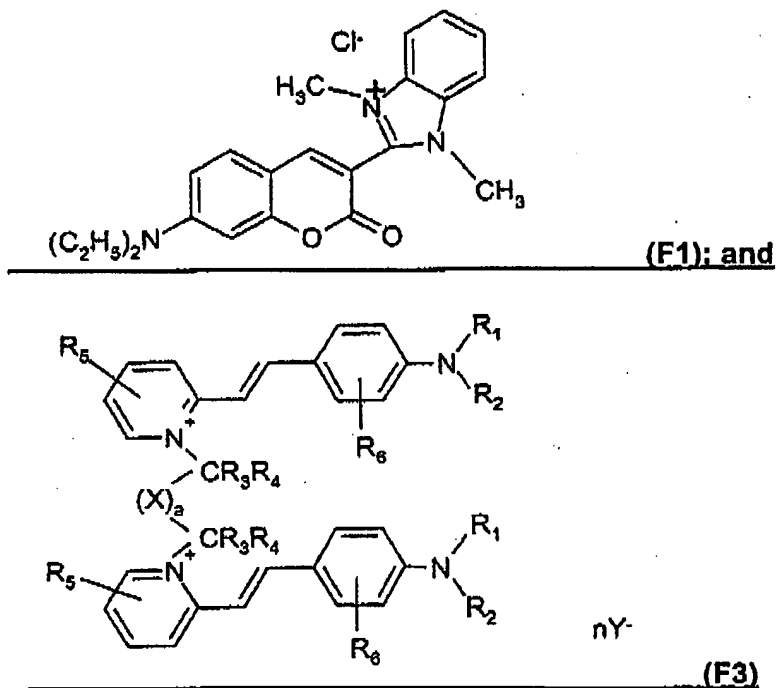
Y, which may be identical or different, is chosen from organic and mineral anions; and

n is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye. —

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In claim 37, delete lines 11-12.

In claim 37, after line 10, insert --

wherein the at least one fluorescent dye is chosen from:**wherein:****R₁ and R₂, which may be identical or different, are chosen from:**

- **hydrogen atoms;**
- **linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;**
- **aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one**

linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;

- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen

atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;
- 5- and 6-membered heterocyclic radicals optionally substituted with at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;
- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms, wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and

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alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;

- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

a is equal to 0 or 1;

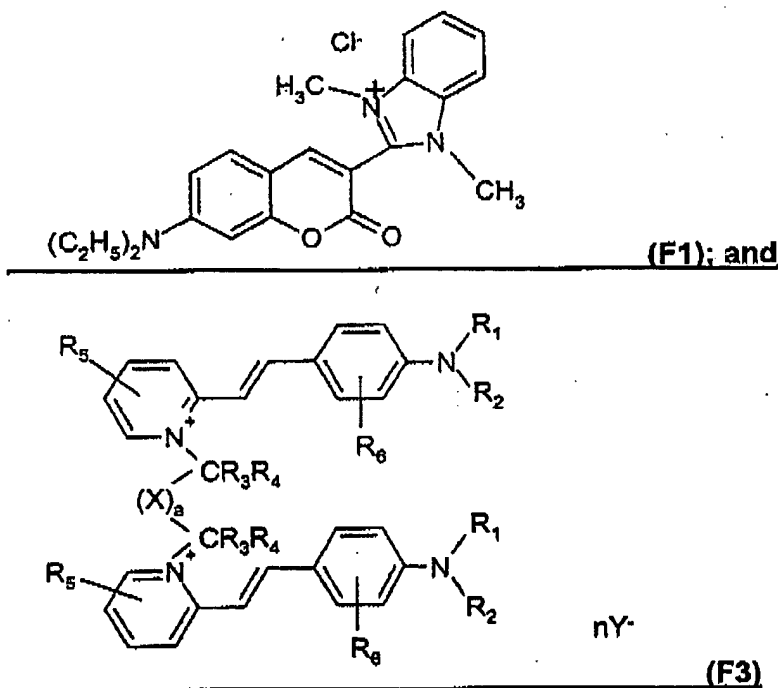
Y, which may be identical or different, is chosen from organic and mineral anions; and

n is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye, --

In claim 43, in page 22, delete lines 9-10.

In claim 43, in page 22, after line 8, insert --

wherein the at least one fluorescent dye is chosen from:



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wherein:R₁ and R₂, which may be identical or different, are chosen from:

- hydrogen atoms;
- linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;

- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;

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- 5- and 6-membered heterocyclic radicals optionally substituted with at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;
- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms, wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;
- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

a is equal to 0 or 1;

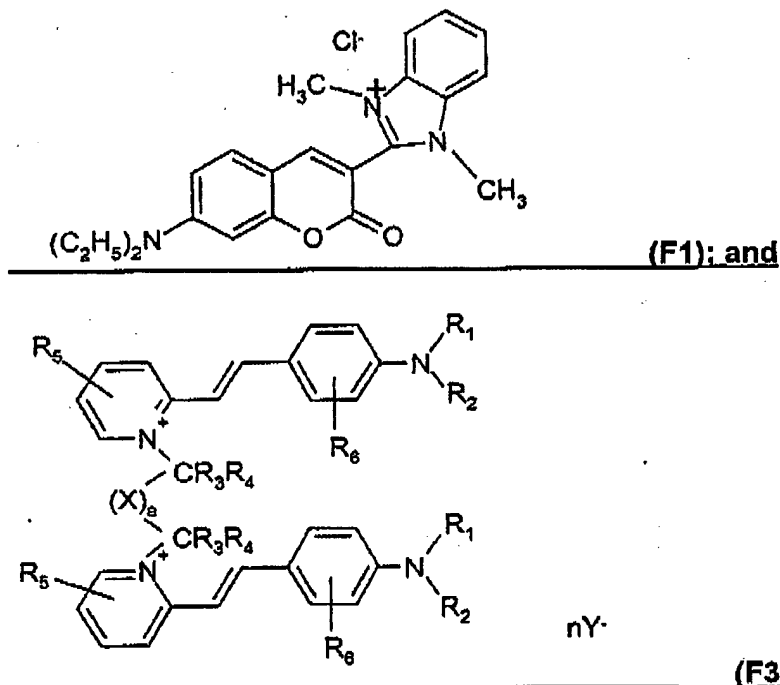
Y, which may be identical or different, is chosen from organic and mineral anions; and

n is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye, --

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In claim 47, delete lines 11-12.

In claim 47, after line 10, insert --

wherein the at least one fluorescent dye is chosen from:**wherein:****R₁ and R₂, which may be identical or different, are chosen from:**

- **hydrogen atoms;**
- **linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;**
- **aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one**

linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;

- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen

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atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;
- 5- and 6-membered heterocyclic radicals optionally substituted with at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;
- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms, wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and

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alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;

- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

a is equal to 0 or 1;

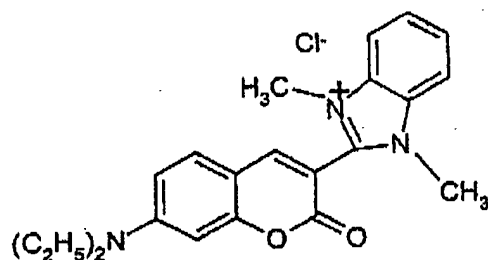
Y, which may be identical or different, is chosen from organic and mineral anions; and

n is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye. —

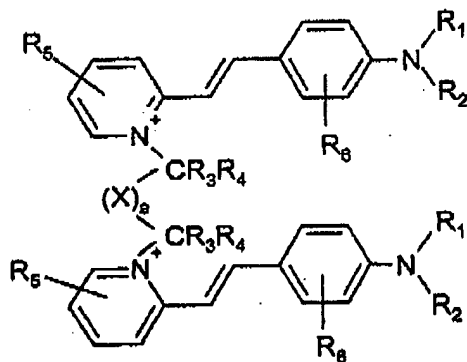
In claim 48, in page 24, delete lines 7-8.

In claim 48 in page 24, after line 6, insert --

wherein the at least one fluorescent dye is chosen from:



(F1); and



nY-

(F3)

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wherein:

R₁ and R₂, which may be identical or different, are chosen from:

- hydrogen atoms;
- linear and branched alkyl radicals comprising from 1 to 10 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- aryl and arylalkyl radicals, wherein the aryl groups comprise 6 carbon atoms and the alkyl radicals comprise from 1 to 4 carbon atoms; the aryl radical is optionally substituted with at least one linear or branched alkyl radical comprising from 1 to 4 carbon atoms optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom and optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;
- R₁ and R₂ may optionally be linked so as to form a heterocycle with the nitrogen atom and may further comprise at least one hetero atom, wherein the heterocycle may be optionally substituted with at least one linear or branched alkyl radical optionally interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms;

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- R₁ or R₂ may also optionally be included in a heterocycle comprising the nitrogen atom and one of the carbon atoms of the phenyl group comprising the nitrogen atom;

R₃ and R₄, which may be identical or different, are chosen from hydrogen atoms and alkyl radicals comprising from 1 to 4 carbon atoms;

R₅, which may be identical or different, is chosen from hydrogen atoms, halogen atoms, and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally interrupted with at least one hetero atom;

R₆, which may be identical or different, is chosen from hydrogen atoms; halogen atoms; and linear and branched alkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one entity chosen from hetero atoms, groups comprising at least one hetero atom, and halogen atoms, and/or interrupted with at least one entity chosen from hetero atoms and groups comprising at least one hetero atom;

X is chosen from:

- linear and branched alkyl radicals comprising from 1 to 14 carbon atoms and alkenyl radicals comprising from 2 to 14 carbon atoms, optionally interrupted with at least one entity chosen from hetero atoms and groups substituted with at least one hetero atom, and/or optionally substituted with at least one entity chosen from hetero atoms, groups containing at least one hetero atom, and halogen atoms;
- 5- and 6-membered heterocyclic radicals optionally substituted with at least one entity chosen from linear and branched alkyl radicals comprising from 1 to 14 carbon atoms, optionally substituted with at

least one hetero atom; linear and branched aminoalkyl radicals comprising from 1 to 4 carbon atoms, optionally substituted with at least one hetero atom; and halogen atoms;

- fused and non-fused aromatic and diaromatic radicals, optionally separated with an alkyl radical comprising from 1 to 4 carbon atoms,

wherein the aromatic and diaromatic radicals are optionally substituted with at least one entity chosen from halogen atoms and alkyl radicals comprising from 1 to 10 carbon atoms optionally substituted and/or interrupted with at least one hetero atom and/or group comprising at least one hetero atom;

- dicarbonyl radicals;
- the group X optionally comprising at least one cationic charge;

a is equal to 0 or 1;

Y, which may be identical or different, is chosen from organic and mineral anions; and

n is an integer ranging from 2 to the number of cationic charges present in the fluorescent dye; --

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In claim 51, in line 1, replace "49" by -- 48--.

3 Claims 1-4, 7-34, 37-48 and 51 are allowed.

STATEMENT OF REASONS FOR ALLOWANCE

4 The following is an examiner's statement of reasons for allowance:

The closest prior art of record (US 2001/0054206 A1) alone or in combination with (US 2002/0046431 A1) does not teach or disclose a cosmetic composition, a process for dyeing keratin materials, a process for dyeing human keratin fibers, a process for coloring dark skin or a multi-compartment kit for dyeing keratin materials comprising at least one fluorescent dye of the claimed formulae (F1) and (F3) in a combination with at least one cationic polymer as claimed. Accordingly the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin materials dyeing formulation.

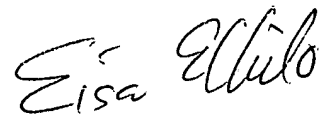
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Eisa Elhilo". The signature is fluid and cursive, with the first name "Eisa" and last name "Elhilo" clearly distinguishable.

Eisa Elhilo
Primary Examiner
Art Unit 1751

November 10, 2006